IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 4673 of 2004

Between:

Yenugu Kishore S/o.Satyanarayana, R/o.Buddaiahgari Street, Mangalagiri, Guntur District.

..... PETITIONER

AND

1 Station House Officer, Mangalagiri Police Station Mangalagiri, Guntur

District.
2 Sub Divisional Police Officer, Guntur Road, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondent in opening the rowdy sheet No. 656 against the petitioner as illegal, arbitrary and violative of Article 14, Article 19(1)(d) and Article 21 of the Constitution of India.

Counsel for the Petitioner:MR.A.JAGANNATHA RAO

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in opening the rowdy sheet No.656 against the petitioner as illegal and arbitrary.

It is stated in the affidavit filed in support of the writ petition that the 1st respondent-Station House Officer, Mangalagiri, Guntur District, registered two cases against the petitioner. The two cases registered against the petitioner were in crime no.43 of 2002 for the offence punishable under Sections 333, 342 read with Section 34 IPC and crime No.120 of 2003 for the offence punishable under Sections 147, 148, 302 read with 149 IPC. It is further stated that in view of the Police Standing Order 742 of A.P. Police Standing Orders, the 1st respondent as per the orders of the 2nd respondent –Sub Divisional Police Officer, Guntur Rural, Guntur District opened a rowdy sheet No.656 against the petitioner. Aggrieved by the action of the respondents in opening rowdy sheet No. 656 against the petitioner basing on the Standing Order 742 of A.P. Police Standing Orders, the present writ petition has been filed.

Heard both sides.

Sri A.Jagannatha Rao, learned counsel for the petitioner contended that none of the conditions envisaged in the said Standing Orders are applicable to the case of the petitioner and the respondents opened the said rowdy sheet only on the ground that two criminal cases have been registered against the petitioner. It is further contended that the respondents have no power to open rowdy sheet, against the petitioner, merely on the ground that two criminal cases were registered against him, which do not cause breach of peace or tranquility. Therefore, the action of the respondents in opening rowdy sheet against the petitioner is wholly illegal and arbitrary.

On the other hand, the learned counsel appearing for the respondents contended that as per the Standing Order 742 of A.P. Police Standing Orders, rowdy sheet has been opened against the petitioner, not only because of the said criminal cases but also in view of his several illegal activities in the area.

I have perused the material available on record.

The standing Order 742 of A.P. Police Standing Orders is extracted hereunder:

"S.O.742, Rowdies:- (1) The following persons may be classified as rowdies and Rowdy Sheets (Form 88) may be opened for them under the order of the Superintendent of Police or Sub-Divisional Officer

a. Persons who habitually commit, attempt to commit or abet the commission of offences involving a breach of peace
b. Persons bound over under Sections 106, 107, 108© and 110(1) of the Code of Criminal Procedure 1973 (Act No.2 of 1974)
c. Persons who have been convicted more than once in two consecutive years under Section 75 of the Madras City Police Act or under Section3, clause 12 of the Towns Nuisance act.
d. Persons who habitually tease women and girls by passing indecent remarks or otherwise; and

In the case of rowdies in an area under one police station but are found to be frequently visiting the area under or more other police stations their rowdy sheets can be maintained at all such police stations.

A bare perusal of the Standing Order 742 of A.P. Police Standing Orders, the opening of the rowdy sheet as per the order of the Sub-Divisional Police Officer is as per the A.P. Police Standing Orders. Therefore, it is clear that the said action of respondents is in accordance with the provisions of the A.P. Police Standing Orders. It is further stated that apart from the aforesaid two cases, another case is also pending against the petitioner in Cr.No.46 of 2004 for the offence punishable under Section 110 Cr.P.C. and that he was involved in several illegal activities.

Having regard to the facts and circumstances of the case, and in the light of the A.P. Police Standing Orders, I am of the considered view that the action of the respondents in opening of the rowdy sheet no.656 against the petitioner is just and reasonable.

Accordingly, the writ petition is dismissed. No costs.

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01-03-2005.

Mjl/*

To,

1 Station House Officer, Mangalagiri Police Station Mangalagiri, Guntur District.

2 Sub Divisional Police Officer, Guntur Road, Guntur District.

3. 2 CCs to G.P. for Home, High Court buildings, Hyderabad.

4. 2 CD copies.